

Notice of Allowability

Application No.

09/679,262

Examiner

Mark Fadok

Applicant(s)

RHOADS, GEOFFREY B.

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 1/24/2005 and amendment filed 4/28/2005.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 28 April 2005 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 4/28/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/28/2005.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Notice of Allowance

The examiner is in receipt of appeal brief filed 1/24/2005 and amendment filed 4/28/2005. Acknowledgment is made to the cancellation of claims 6-13, the amendment to specification and the submittal of new drawings. The applicant's amendment was carefully considered and was found to be persuasive, therefore the following reasons for allowance follows:

Reasons for Allowance



Claims 1-5 are allowable.

The following is an Examiner's statement of reasons for allowance for independent claim 1.

As is claimed in a previous patent to the Assignee (US) 6,324,573, the instant claims are an obvious variation of the previous claimed invention. The current claim is a method for steganographically embedding information within a data object on a second computer (optically sensing the encoded data) and establishing a link to a first computer so the information can be utilized (merchant).

Independent claims 1 identifies the uniquely distinct feature as follows:

Claim 1:

the image is steganographically encoded

optically sensing the image to produce image data

electronically ordering the article from the merchant by use of the decoded data

Discussion of most relevant art:

US Patents and PG-PUB

(i) US Patent 6,199,048 to Hudetz et al discloses a method for retrieving URL information using barcodes from an independent database. Hudetz et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(ii) US Patent 5,621,810 to Suzuki et al discloses a method for preventing copying by optically sensing a watermark. Suzuki et al, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Foreign Patent Documents

(iii) JP 6-102797 teaches a device for image acquisition utilizing a scanner with a processor for steganographic encoding image data generated corresponding to physical subject having auxiliary data. This patent however, fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Non-Patent Literature

(iv) Framingham, Network World, OLE-based image management software cuts time, cost, Feb 8, 1993 teaches accessing information that is hidden in a electronic document, Framington, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

(iv) Framingham, Network World, Watermark building image in network applications market. September 13, 1993, teaches accessing information that is hidden in an electronic document, Framington, however fails to anticipate or render the application's above-mentioned limitation(s) obvious.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(571) 272-6755**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(571) 272-7159**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **receptionist** whose telephone number is **(571) 272-3600**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including

After Final communications labeled

"Box AF"]

(571) 273-6755 [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Patent Examiner